



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/599,888

10/12/2006

Andreas Feigl

071308.0774

6022

31625

7590

12/09/2008

BAKER BOTTS L.L.P.

PATENT DEPARTMENT

98 SAN JACINTO BLVD., SUITE 1500

AUSTIN, TX 78701-4039

EXAMINER

FULTON, KRISTINA ROSE

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

12/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,888	Applicant(s) FEIGL, ANDREAS	
	Examiner KRISTINA R. FULTON	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/29/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1

- Lines 6 and 23, the term “serving as” is indefinite. It is unclear if applicant is positively claiming a grip element or if the front actuation surface merely has to be capable of being a grip element.
- Line 10, “its” should be replaced by the component “its” represents for proper clarification.
- Line 14, the limitation “can also be moved without the identification device” implies there is movement with the identification device but that movement is never claimed in claim 1.
- Line 17, the term “consists of” is closed language and requires that the actuation component be made of ONLY the components listed after the term “consists of”. The actuation component is made up of several components (including 22; not claimed) and therefor “consists of” should be changed to --comprises—.
- Line 20, there is a lack of antecedent basis for “the other subcomponent”.

Art Unit: 3673

- Lines 20-21, the difference between "the other subcomponent, a switching component, the other part component and the one part component" is unclear. Proper clarification is necessary.

Claims 2, 8 and 14

- The term "the two subcomponents" lacks antecedent basis.

Claims 3, 9 and 15

- The "different operating switches" should be shown in the figures.
- The term "the two subcomponents" lacks antecedent basis.

Claims 4, 10 and 16

- The term "the identification data" lacks antecedent basis.
- It is unclear if applicant intends to claim another "identification device" or if "an identification device" is the same device claimed in claim 1 or 7.

Claims 5 and 11

- It is unclear if applicant intends to claim another "identification device" or if "an identification device" is the same device claimed in claim 1 or 7.

Claim 7

- Line 11, the term "consists of" is closed language and requires that the actuation component be made of ONLY the components listed after the term "consists of". The actuation component is made up of several components (including 22; not claimed) and therefore "consists of" should be changed to --comprises—.
- Line 14, there is a lack of antecedent basis for "the other subcomponent".

Art Unit: 3673

- Lines 14-16, the difference between "the other subcomponent, a switching component, the other part component and the one part component" is unclear. Proper clarification is necessary.
- Line 17, the term "serving as" is indefinite. It is unclear if applicant is positively claiming a grip element or if the front actuation surface merely has to be capable of being a grip element

Claim 13

- Line 11, the term "consists of" is closed language and requires that the actuation component be made of ONLY the components listed after the term "consists of". The actuation component is made up of several components (including 22; not claimed) and therefor "consists of" should be changed to --comprises—.
- Line 14, there is a lack of antecedent basis for "the other subcomponent".
- Lines 13-16, the difference between "the other subcomponent, a switching component, the other part component and the one part component" is unclear. Proper clarification is necessary.
- Line 17, the term "serving as" is indefinite. It is unclear if applicant is positively claiming a grip element or if the front actuation surface merely has to be capable of being a grip element.
- Line 19, it is unclear if applicant intends to claim another "identification device" or if "an identification device" is the same device previously claimed.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the different switches of claims 3, 9 and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3673

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohtaki (US 2004/0155525).

6. Regarding claims 1, 7, Ohtaki shows an actuating module for a motor vehicle, comprising a housing (21); a movably-supported actuation component (22, 31) within a frontal opening of the housing, which can be moved manually by means of a front actuation surface serving as a grip element against an opposing force (26) from a rest position into the housing, and after activation of at least one operating switch (33) for a corresponding operating function returns to its rest position; wherein the actuation component comprises a slot (11) for insertion of an electronic identification device (40) and the actuation component can also be moved without the identification device being inserted (paragraph [0037]), and wherein the actuation component consists of two part components which fit inside each other, of which one has the slot for the identification device and is mechanically coupled with the other subcomponent embodied as a switching component such that the other part component can be moved independently of the one part component by means of the actuation surface serving as a grip element (paragraph [0059]).

7. Regarding claims 2, 8 and 14 the at least one operating switch can be switched by each of the two subcomponents (paragraph [0055]; line 17 and paragraph [0067]).

8. Regarding claims 3, 9 and 15 different operating switches can be switched with the two subcomponents (paragraph [0074]).

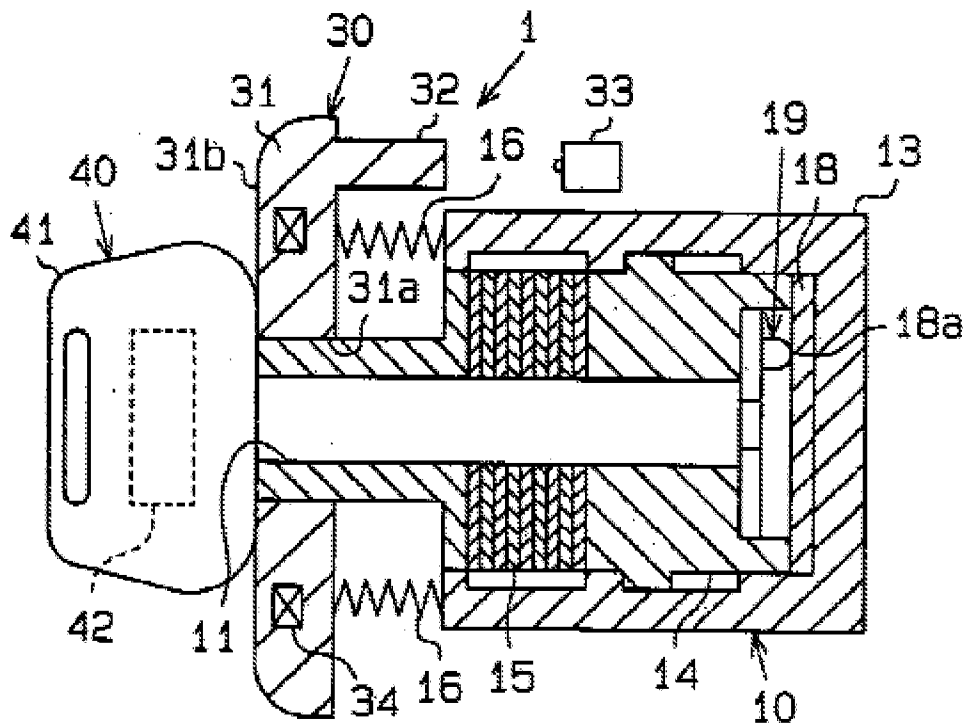
Art Unit: 3673

9. Regarding claims 4, 10 and 16 the operating switch can be activated by interrogating the identification data for an identification device located outside the slot (paragraph [0027]).

10. Regarding claims 5 and 11, the actuating module comprises an electronic communication unit (paragraph [0009]; lines 4-6) for interrogating identification data elements when an identification device is inserted into the slot.

11. Regarding claims 6, 12 and 17 the operating switch is an engine start/stop switch (paragraph [0008]).

12. Claim 13 is rejected as applied to claims 1 and 5 above. See the Ohtaki device below.



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA R. FULTON whose telephone number is (571)272-7376. The examiner can normally be reached on M-TH 7-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/
Supervisory Patent Examiner, Art Unit 3673

/K. R. F./
Examiner, Art Unit 3673
12/4/08